

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-cr-00037-RLY-MPB
)	
SALVADOR GABRIEL)	
a/k/a ROLANDO VELASQUEZ PEREZ)	
a/k/a EFRAIN LOPEZ-VELASQUEZ,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 23, 2021, the Court held an Initial Appearance on a USPO Petition for Warrant for Violation of Supervised Release. Defendant Gabriel appeared in person and with CJA Counsel Mark Foster. The government appeared by Assistant United States Attorney Lauren Wheatley. The United States Probation and Parole Office was represented by Officer Andrea Hillgoth. The Court Interpreter was Melody Nelson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Gabriel of his rights and provided him with a copy of the petition. Defendant Gabriel waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Gabriel admitted violation #1. ([Docket No. 31](#)).
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

	Violation Number	Nature of Noncompliance
	1.	<p>You shall not commit another federal, state, or local crime.</p> <p>According to an agent with the U.S. Immigration and Customs Enforcement agency, it was discovered that the defendant was detained in the Ashe County Jail in North Carolina. An ICE went to the jail and positively identified the defendant. A detainer was subsequently lodged against him. The circumstances surrounding the charges that led to his initial detention are not known; however, the defendant did not have permission to re-enter the United States.</p>

4. The parties stipulate that:

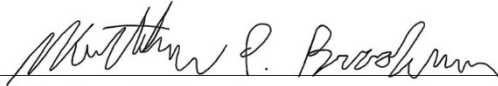
- a. The highest grade of violation is a Grade B violation.
- b. Defendant's criminal history category is III.
- c. The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 8-14 months' imprisonment.

5. The parties jointly recommended a sentence of seven (7) months with no further supervision upon release from imprisonment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he be sentenced to the custody of the Attorney General or his designee for a period of seven (7) months with no further supervision upon release from the Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: June 23, 2021


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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United States Probation Office, United States Marshal